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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,899	05/22/2002	Chen-Shuo Tsai	PMXP0135USA	2383

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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER

SMITH, ARTHUR A

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 12/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,899

Applicant(s)

TSAI, CHEN-SHUO

Examiner

Arthur A Smith

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: Page 6 line 29 change "shatter" to -- shutter--.

Appropriate correction is required.

Claim Objections

Claim 9 is objected to because of the following informalities:

Line 2 before "center" insert -- the --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 10, 12, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "arch-wise" in claims 6, 10, 12 and 14 is a relative term which renders the claim indefinite. The term "arch-wise" is not defined by the claim, the specification

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does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akimoto et al. (USPN 5680649).

In reference to claims 1, 3, 8, 9, 11, 13 and 15 Akimoto et al. discloses a camera with a focus retaining mechanism comprising: a base, ref. 1, having a cylindrical lens barrel, ref. 2;; a focusing lens mounted within the lens barrel, the focusing lens is movable in a first or a second direction along an optical axis, col. 1 lines 55-59; a retaining member, ref. 3, horizontally and movably mounted on the base for setting the focusing lens in a predetermined position, wherein the retaining member comprises a ratchet side, ref. 3b, a smooth side, a first end, ref. 3c and a second end, ref. 9b, positioned on opposite ends of the ratchet side and the smooth side, col. 3 lines 23-27; and a retaining hook, ref. 10 movably mounted on the base, the retaining hook comprising a horizontal arm, which has a vertical end downwardly extending to hook the retaining member in a initial state, moving substantially over the retaining member horizontally, see fig. 2; wherein when the focusing lens moves in the first direction, the vertical end of the retaining hook contacts the first end of the retaining member and then

slides along the ratchet side, col. 3 lines 45-48; when the focusing lens stops, the vertical end of the retaining hook hooks the ratchet side and thus setting the focusing lens; when the focusing lens moves to the second direction, the vertical end slides back along the smooth side to the initial state, col. 4 lines 10-34. Although Akimoto et al. does not specifically mention a smooth it would be obvious to one of ordinary skill in the art to interpret the beginning of the cam, ref. 3, as the smooth side.

In reference to claims 2, and 10 Akimoto et al. discloses wherein the horizontal arm and the vertical end of the retaining hook are monolithically made from a flexible metallic wire, col. 3 lines 45-47 and fig. 2.

In reference to claims 4 and 5, Akimoto et al. further discloses a driving ring, ref. 11, mounted atop the retaining member; and a connecting ring, ref. 13, (connecting ring) movable mounted beneath the retaining member; wherein the driving motor urges the retaining member through the driving ring and the connecting ring, col. 4 lines 51-57.

In reference to claims 6, 7, 12, and 14 Akimoto et al. discloses where the retaining member has a arch shape with the ratchet side and the smooth side located on the arch shape, see fig. 2.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Akimoto et al. (USPN 5680649) and Akimoto et al. (USPN 5710949) also disclose a camera with a focus retaining mechanism.

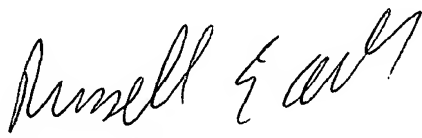
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (703) 605 1228. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308 2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9318 for regular communications and (703) 872 9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

AAS
December 9, 2002


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